

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
May 10-14, 1999

| Date Issued | Type of Case(1) | Proceeding or Appn. No. | Party or Parties | TTAB Panel(2) | Issue | TTAB Decision | Opposer's or Petitioner's Mark and Goods or Services | Applicant's or Respondent's Mark and Goods or Services | Mark and Goods Cited by Examining Attorney | Examining Attorney | Citable as Precedent of TTAB |
|-------------|-----------------|-------------------------|--|---------------------------------|--|---|--|---|--|--------------------|------------------------------|
| 5-11 | OPP (R) | 100,233 | First Financial Management Corp. v. Postal Buddy Corp. | Simms* Seeherman Hairston | 2(d); counterclaim asserting abandonment | Request for Reconsideration Denied [Opposition Sustained; Counterclaim for Cancellation Denied] | "OPINIONGRAM" [telegraph transmission and communications services, including the sending of messages by customers to public officials] | "OPINIONGRAM" [providing computer terminals for use by the public to create interactively recommended opinion correspondence and to recommend selected policy and decision makers to receive such correspondence] | | | No |
| 5-11 | OPP | 103,719 | Plyboo America, Inc. v. Smith & Fong Co. | Seeherman Hohein* Bucher | 2(e)(1) | Opposition Dismissed | | "PLYBOO" [bamboo laminate flooring and plywood made of bamboo] | | | Yes |
| 5-11 | EX | 74/617,867 | Hydron Technologies, Inc. | Simms Cissel* Hohein | whether the specimens of record demonstrate trademark use of applicant's mark for the goods recited in the application | Refusal Reversed | | "HYDRON MAKES THE DIFFERENCE" [facial, skincare, hair, bath, and beauty preparations, namely, moisturizers, cremes, toners, clarifiers, exfoliators, masques, lotions, sunscreens, sunless tanning cremes and non-medicated hair care preparations] | | C. Butler | Yes |
| 5-11 | EX | 75/134,516 | Bayne Machine Works, Inc. | Hohein Hairston* Walters | 2(e)(4) | Refusal Affirmed | | "BAYNE" [hydraulic trash can dumpers and adapter kits for hydraulic trash can dumpers] | | Gaynor | No |

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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May 10-14, 1999 (continued)

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| 5-11 | EX | 74/567,910 | Audio Book Club, Inc. | Cissel Seeherman Wendel* | genericness; if not generic, whether term has become distinctive through use in commerce, under Sec. 2(f) | Refusal Affirmed (on basis of both genericness and lack of distinctiveness) | | "AUDIO BOOK CLUB" [retail order services featuring electronically recorded books] | | Wood | Yes |
| 5-12 | EX | 74/695,110 | International Data Group, Inc. | Seeherman Hairston Walters* | 2(e)(1) | Refusal Affirmed | | "WEB COMMERCE EXPO" [arranging and conducting trade shows and exhibitions relating to computers, on-line services, high technology, communications and information services] | | Mermelstein | No |
| 5-12 | EX | 75/090,638 | Manufactura de Tabacos (MATASA) S.A. | Quinn Hairston Wendel* | 2(e)(2) | Refusal Affirmed | | "PUROS DOMINICOS" [cigars] | | Zervas | No |
| 5-12 | EX | 74/441,447 | Jose Ignacio Guisado Urbano | Simms Cissel Walters* | 2(a) [false suggestion of a connection with an institution]; 2(e)(1); 2(e)(2) or 2(e)(3) | Refusal Affirmed (but only on 2(a) grounds) | | "SYDNEY 2000" [advertising and business services, namely, the preparation and placement of advertisements for others, publicity services, etc.; communications services, namely, telephone communication services, electronic, electronic mail services, radio broadcasting services, etc.] | | Nelson | Yes |

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